ADJOURNMENT MOTION.

PRESIDENT: There is a motion for the adjournment of the business of the House. It runs as follows —

"I beg to move for an adjournment of the business of the House to consider a matter of urgent public inportance, namely, the outbreak of malaria a second time in a more virulent form in the Taluk of Neyyattinkara and the neighbouring places."

The motion fulfills the requisites for admissibility. I leave it to the House to decide whether it is prepared to take up that motion for discussion this afternoon.

As no objection has been raised, I take it that the motion is admitted. It will be taken up for consideration at half-past three to-day.

STATEMENT BY THE PRESIDENT.

PRESIDENT: I have to announce to the House the result of the elections which took place yesterday for the purpose of electing two members from this House to the Public Accounts Committee and the other two to the Finance Committee for 1111.

Messrs. K. Kunjukrishna Pillai and T. Krishna Pillai have obtained the highest number of votes for the Public Accounts Committee and they will therefore be declared elected.

Messrs. T. P. Velayudhan Pillai and A. Thanu Pillai have obtained the highest number of votes for the Standing Finance Committee and they will therefore be declared elected.

LEGISLATIVE BUSINESS.

THE TRAVANCORE RELIEF OF INDEBTEDNESS BILL.

PRESIDENT: The next business is Legislation. Mr. T. P. Velayudhan Pillai will move his Travancore Relief of Indebtedness Bill.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Sir, I move that the Travancore Relief of Indebtedness Bill be read in the Assembly.

MR. V. K. VELAPPAN NAIR (*Vaikam*): I second it.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): സർ, ഞാൻ ഈ സഭയിൽ അവതരിപ്പിക്കുന്ന റിലീഫ് ആഫ് ഇൻഡാറഡ്നെസ് ബില്ലിൽ അടങ്ങീട്ടുള്ള തത്വം ഡ്യൂറക്കൺസിലിയേഷൻ.....

PRESIDENT: Can't you talk in English? You have been talking in English all these days. Why this Malayalam now? I call upon you to speak in English.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I shall try to speak in English.

PRESIDENT; Oh, you talk much better than myself.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): The principle underlying the Travancore Relief of Indebtedness Bill is debt conciliation. In several of the British Indian provinces and Indian States, the respective Governments have taken the necessary action to

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tackle this very important question. From the Statement of Objects and Reasons appended to my Bill, the necessity for such a law will be quite obvious.

The Bill may be divided into three parts. The most important is the part relating to debt conciliation. The second part relates to provisions entitling the judgment-debtors to make deposits in court. The third part relates to the exemption from arrest of judgment-debtors.

I shall first deal with the necessity for effecting debt conciliation. To substantiate my position in respect of this part, I rely upon the valuable opinions expressed by great men. Mr. Nalini Ranjan Sarkar, who is the President of the Bengal Chamber of Commerce and a member of the Central Banking Enquiry Committee, has expressed his opinion in the matter of debt conciliation as follows in a pamphlet on Economic Planning:

> "The chronic indebtedness of our cultivators remains a Himalayan obstacle to the effectiveness of any piecemeal ameliorative measure and the malady can be cured only by planned treatment.

Mr. Sirkar is of opinion that the measures most urgently needed for it are the initiation of a scheme of debt conciliation and the establishment of Land Mortgage Banks.

Dewan Bahadur T. Raghaviah, ex-Dewan of Travancore, expressed the following opinion at the Andhra Conference held on April 15, 1935:—

> "The remedy suggested by me of compelling the creditors by law to accept composition of their debts on receipt of a fraction thereof is no doubt a drastic one and savours of confiscation. But this remedy has been adopted in other countries, and although at first sight the creditor might grumble at having to forego part of his capital as well as the high rate of interest he has been expecting to get, he will be thankful in the long run when he finds out that he is quite certain of getting back part at least of his capital and of receiving interest regularly thereon, if he chooses to take payment in the shape of debenture bonds."

Mr. Ramdas Pantulu expressed the following opinion at the Bezwada Conference held on May 12, 1935.—

> "Adoption of measures for the compulsory conciliation of existing debts so as to scale them down to the extent of the debtor's capacity to repay, was a very necessary measure of relief which was called for in the abnormal conditions created by the acute economic depression".

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Does the present Bill enjoin compulsory conciliation?

MR. T. P. VELAUDHAN PILLAI (*Tiruvalla III*): It makes provision for debt conciliation. But it is not clearly stated whether it should be compulsory or not. That fact may be left to the consideration of the Select Committee if the Bill is referred to a Select Committee.

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I hope that these remarks of great men will be quite sufficient for convincing the House of the urgent necessity for the promulgation of such a law in our State. The Devadhar Committee Report also states thus at page 137:—

"We are aware that any temporary measure will not in any way solve the problem. We feel that it is curable only by a prolonged and sustained treatment spread over a number of years and the measures most urgently needed for it are the initiation of a scheme of debt conciliation and the widening of the activities of the present Land Mortgage Bank."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I ask whether there are not some debtors at least who are able to pay their debts in full ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): When we make a legislation, it is not possible to take note of a microscopic minority of the population who may be able to pay a portion of their debts.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know whether the member agrees that there are persons who are able to pay their debts in full ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I do not think that there is anybody among the agricultural classes who will be able to pay their debts in full.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is there any provision which prevents them from paying in full ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): No.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it the member's opinion that conciliation should be effected when there are persons who are able to pay ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): No provision is included in the Bill for compulsory debt conciliation. The debtor or the creditor must move the Debt Conciliation Boards for an amicable settlement.

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): Even with regard to conciliation as it is proposed in this Bill, I am asking the question whether this provision should be applied in the case of those who are really able to pay their debts ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I have already stated that among agriculturists there will not be any who will be able to pay their debts in full.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the member has got any objection to leave open the question of ability to pay to such Conciliation Boards ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I am now only referring to the principles of the Bill. All these details may be considered by the Select Committee.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Knnnattur cum Pattanapuram*): May I know whether it is one of the principles of this Bill that the provisions in regard to Conciliation Boards should apply to all classes of debtors whether they are able to pay or not?

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MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : These provisions are meant only for agricultural debtors. I think agriculturists are as a class unable to pay on account of the economic depression.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*) : Then, may I ask why in Section 7 (2) (*d*) he wants "a statement that the debtor is unable to pay his debts" ?

PRESIDENT : According to you every agriculturist is unable to pay. That is your contention.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*) : May I know whether the principle of this Bill is that the provisions of Conciliation Boards will apply only to persons who are unable to pay their debts?

PRESIDENT : That is whether the provision you are referring to will apply in the case of individuals who are able to pay.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : It is for those who are unable to pay,

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : May I know what class of debts the honourable member will include under Agricultural Debts ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : There is a clear provision embodied in the Bill. I will refer the member to the definitions contained in my Bill.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Is there any definition of the word agriculturist or agricultural debts ?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*) : Sir, on a point of order; is it in order to put the questions where there is this thing or that thing in the Bill when there are provisions in the Bill ?

PRESIDENT : Will you please proceed and finish your speech ? I expect you to be brief in your explanation. The longer your speech is, the greater will be the temptation of the members to put questions.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : I have finished that portion of my explanation. There may arise some objection on the ground that the Bill need not be sent to a Select Committee because we are expecting a Report from the Agricultural Debts Redemption Committee appointed by Government. Sir, my answer for that is this. In the first place, the Debt Redemption Committee is not constituted by any members of both the Houses of Legislature. So it lacks in true popular representation. In the second place, it is stated in the second Proclamation called the Travancore Judgment Debtor's Temporary Relief Proclamation, "Whereas divergent representations have been made by various interests". Sir, I say that the several interests in the State are not given an opportunity of givng proper representation in the constitution of the committee.

Another ground on which I explain my position so that the Bill may be now referred to the Select Committee is this. We cannot expect any accurate statement of the total agricultural indebtedness in the State from the Report which we expect from this Committee.

It is stated on page 328 of the Devadhar Committee Report, :—

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"I would just add a word of warning against making any conjectural estimate of the extent of rural indebtedness, especially if such estimate is to be later made the basis of undertaking liquidation scheme. It is no doubt a laborious and exhausting piece of work to collect figures of individual indebtedness, but I think the labour is worth taking if reliable data are to be *made* available. As you are aware, the Bhavnagar Redemption Scheme has been evolved as a result of the preliminary investigation of the "Khedut Debt Inquiry Committee". This committee took great pains to collect figures of debts of each individual Khedut. But when the Redemption Scheme came to be applied, these figures have been found to be very wide of the mark by anything from 25 to 50 per cent."

Then it goes on to say :—"It is suspected that at the original inquiry a large number of Kheduts either kept silent altogether or understated the amount of their indebtedness out of a sense of prestige or for fear of losing credit and social status or some other notion not easy to fathom. So I hope you would please avoid any more guess-work in the matter of gauging the extent of rural indebtedness even where such guesses are made by men who think they are in intimate touch with local conditions and are therefore entitled to hazard a guess."

This is from a letter sent by Sir Prabha Shankar Pattani to Mr. G. K. Devadhar when he was the President of the Co-operative Enquiry Committee and his opinion is entitled to much weight. The Debt Redemption Committee appointed in Travancore has not taken any step to ascertain the actual amount of debts in the State from individuals. They have simply issued certain forms to be filled up. These forms have not been made available to the bulk of the debtors or creditors. Nobody has even cared to fill up these useless forms.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Has not the Banking Enquiry Committee found out the actual amount of debt ?

MR. T. P. VELYAUDHAN PILLAI (*Tiruvalla III*): It is true Sir, that the Banking Enquiry Committee has done something in this direction. Sir, there are three sources just at present to find out the actual amount of indebtedness. One is a pamphlet issued by Dr. P. J. Thomas, Professor of Economics at Madras and according to that pamphlet the total amount of indebtedness is 27 crores. Another source is the Report of the Banking Enquiry Committee. According to that, it comes to about 25·29 crores. Another document from which we can get the total amount of indebtedness is the Census Report of 1931 prepared by the Honourable Member, Dr. N. Kunjan Pillai. There it is given as 20 crores. So these three documents give three different figures. And the present Committee appointed by Government have not taken care to approach each and every individual and ascertain correctly his amount of debts. So the anticipated report of the Committee will give us another different figure and thus add to the difficulty and ambiguity.

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MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): What difference does it make by issuing forms?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): It is quite evident Sir, that these forms are not correctly filled up even by those who choose to file them before the Committee.

Sir, we do not know how the Government is going to act on the recommendations of the Committee. The present Bill deals with all these matters which can be gone into in detail by the members of the Select Committee. So my submission is that I may be permitted to introduce the Bill and to move that it may be referred to a Select Committee. Adequate powers should be given to the Select Committee to make any alterations or amendments or additions with regard to the provisions of the Bill.

Now, Sir, according to the Standing Order 38, clause 4, any alteration can be made in the Bill by a Select Committee. According to Standing Order 39, any amendment also can be effected by the Select Committee and according to Standing Order 31, clause 1, sub-clause (i), the Select Committee may be authorised to include additional provisions also.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, we are at the question of affirming the principles of this Bill. Mr. Velayudhan Pillai goes on to deal with questions which would arise only at a later date.

PRESIDENT: The motion before the House is, that the Bill be read in Council. The discussion on the Bill can come only at the next stage.

MR. K. R. ELENKATH (*Kalkulam I*): There is provision in the Bill that the Government should take up the responsibility of the whole amount of indebtedness and so find out the exact amount of indebtedness.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I do not think the Committee will find out the exact amount of debt. So there is no force in the argument that we must wait till the Debt Redemption Committee submit their Report and that the introduction of the Bill is not necessary at present and that it must be postponed to a future date. So, Sir, I request the House to affirm the principles contained in the Bill and give it their unanimous support so that it may be referred to the Select Committee for their sufficient consideration in an unfettered manner.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Sir, I oppose the motion. The object of the Bill is very clearly stated in the statement of objects and reasons and it has been clearly expressed by the learned mover. There is absolutely no difference of opinion in regard to the necessity of adopting such measures as would give adequate relief to the indebted agriculturists. But the point we have to consider is not that. It has been admitted on all hands that the agriculturist stands in need of immediate relief and immediate protection. But whether the Bill

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before the House gives in any way such kind of relief as is called for under the circumstances is the question we have to consider. I am sorry that the learned mover has not made that position clear. And the provisions of the Bill will also show that they are not only incomplete and imperfect but to a great extent impracticable. It has called into existence a set of institutions which are *prima facie* unworkable. Probably the learned mover is not satisfied with the ordinary civil courts in the land in the matter of affording relief to the agriculturists and therefore he seeks the aid of a kind of institution called Debt Conciliation Boards, so that the necessary remedy may be secured to the agriculturist in a cheaper and speedier manner. Whether that has been kept in view in the various provisions of the Bill is the question to be considered. With regard to the expenses or costs to be incurred in courts, there is a provision here, from which it will be seen that the mover does not want the members of the Board to work gratis.

Further down it is also said Government are at liberty to prescribe the allowances to be paid to the members of the Board. From that it is quite clear that the learned mover wants these members of the Board to be given allowances first, and also to defray other charges by way of cost of establishment and such other things.

The most salient point in the Bill is provided in clause 11 which says: "The Board shall call upon the debtor and each creditor to explain his case regarding each debt and shall use its best endeavours to induce them to arrive at an amicable settlement". If it is for the purpose of holding a regular enquiry as is done by civil courts, certainly there is no necessity for such Boards. Therefore the most primary object the mover has in view is to see whether these Boards would in any way be able to persuade any party to come to an amicable settlement. Everybody knows that it is the most difficult of all things. Such an endeavour is not regulated by any rule; it is not regulated by any procedure and therefore it would merely be a sort of chit-chatting, that is possible. The Board will ask the debtor "What do you owe him?" The creditor will say "He owes me Rs. 15". The other man will say "I owe him only Rs. 10", and so on. There will be endless talk on this point and the Board members will not be in a position to control the party who is naturally inclined to be talkative. No one will be able to get the parties to come to a settlement in the course of a month or even a year. Such is the position in which the members of the Board will find themselves. And the inducement for the members is not to curtail the days of enquiry, but to prolong it because there is allowance provided.

PRESIDENT: It is a paid office?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Yes, Sir. One party will say "I do not owe him Rs 15" and then he will be allowed to talk *ad infinitum* because such lengthy talks contribute to the interests of the members of the Board as there is provision for allowance. Certainly it would be a very good idea of solving the unemployment problem in the country but it is not in the interests of the debtor anyway.

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MR. M. SIVATANU PILLAI (*Tovala*) : Is there any provision in the Bill to give a helping hand to the already decrepit debtor to pay up the amount? Unless Government or somebody else is prepared to subscribe some loan or a debenture loan is raised for the purpose, will not the already suffering debtor be unable to pay the debt, be it 25 per cent. of the debt that is ordered to be paid by the Board?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : There is absolutely no such provision. Therefore along with the cost the question of time also comes in view of the circumstances submitted by me.

Then, coming to the other provisions. Section 15, Clause 1, provides, "Where during the hearing of any application made under Section 5, any creditor refuses to agree to an amicable settlement, the Board may, if it is of opinion that the debtor has made such creditor a fair offer which the creditor ought reasonably to accept, grant the debtor a certificate in such form as may be prescribed in respect of the debts owed by him to such creditor". To a certain extent, it is a provision which meets the objection raised by the Land Revenue Commissioner who asked whether there was any provision for compulsory conciliation. When the members of the Board are of opinion that a fair offer has been made by the debtor, the Board is at liberty to issue a certificate. What is the force of the certificate? That certificate has got some feature which is tending towards compulsory conciliation, because the creditor is estopped from receiving any interest over 6 per cent. and also he is not entitled to get the cost if he goes to a civil court on the debt in question. There is some substantial loss which the creditor is called upon to face and so far it is good. But—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : What is the object of making the creditor to incur that loss?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : The learned mover had made it quite clear. We are, to a great extent, not considering the interests in full of the creditor. Here the question is to afford sufficient relief, adequate relief, even at the sacrifice of the legal interests of the creditor, to the poor agriculturist who is a debtor.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Without clearing some solid amount of that, what is the purpose of increasing the loss on the debt?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : The word "reasonably" is there.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : But should not some money be given?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : There is absolutely no provision in the Bill as to the effect of this certificate. The man can keep with him the certificate as a mere scrap of paper.

PRESIDENT : A paper not negotiable.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Not negotiable. But then the Board has got very extraordinary power conferred not even upon the highest court in the land. The Board calls upon the creditor however to file a statement of the debts owed to the creditor by the debtor and if he fails to file such a statement within the time prescribed

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here, he is estopped from raising any question on such debts in any court. Of course, it is open to the Board to reconsider its decision and examine the *bonafides* of the man that goes to it. It is all quite good; but any order made by the Board should not be taken to any court either on appeal or in revision. That is the most extraordinary power given to the Board; and I submit it would certainly prejudice public interests and work havoc because either deliberately or unintentionally the Board may come to the conclusion which, if made final, and if not subordinated to the decision of any other judicial tribunal in the State, would certainly go a very great extent towards the ruining of the interests of the parties that go there

Then about the constitution of the Board. Probably here there is a significant omission under Clause 23 as regards the qualification of the members of the Board to be prescribed by the Government. As it is, the Government are at liberty to ask anybody to become a member of the Board and that somebody is given the powers which are not enjoyed even by the High Court here. And what are the powers of these Boards? They are called upon to scrutinise documents, to consider the admissibility or otherwise of documents, to impound documents because it is stated here that all the powers conferred upon civil courts under the Civil Procedure Code are to be enjoyed by the Board. And what are the powers? Impounding documents and getting down records from other courts. So a Debt Conciliation Board consisting of three non-entities, say in Pattanapuram, can call upon the High Court to send down to them all the records connected with a case on the file of that Court. That is the position.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Can the Board call for even a promissory note for Rs. 10,000 from a civil court?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Yes. Being a non-official, I may not view that aspect of the question. They can impound documents and promissory notes though every line of the signatures contained therein is very valuable. These are points which I do not want to urge.

For examination of witnesses, the Board can issue warrants.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether there is provision to take action in case of lapses on the part of the members of the Board?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): There is absence of provision regarding that also. The members of the Board can issue warrants, they can attach property and they can fine a person to the extent of Rs. 500 provided for under the provisions of the Civil Procedure Code, Order 16 Rule 121.

PRESIDENT: For what?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): For non-compliance with the summons issued by the Board.

The Board can detain a person in a civil jail and all these actions are non-appealable and cannot be taken in revision. That is the saving clause attached to this Bill.

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Then with regard to the Village Panchayat Courts established here under Regulation I of 1090, Provisions made in regard to such Courts may be taken for comparison when we consider the provisions that are sought to govern the new bodies that are now called into existence here. In the Village Panchayat Courts Regulation, there is a provision that when the attendance of ladies is insisted upon, the custom in the country should be observed and certain ladies who are protected by custom ought to be exempted from attendance. That is a restriction on the power granted to Village Panchayat Courts. But here the Board need not be bound down by such a rule. Then, in the Village Panchayat Courts Regulation itself, there are very specific provisions in regard to the way in which a decree ought to be prepared. There is absolutely no such stipulation here. In that Regulation there is a provision for the rate of interest to be awarded on a decree but here there is absolutely no such provision. Then I may submit to Your Honour how decrees are to be executed.

PRESIDENT: The word *decrees* is dragging you to the word *honour*. I can appreciate it.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): It has been asked by the learned Law Member how the decrees or decisions of these Boards can be executed. Very clear and very handsome provisions are made as to how charges can be recovered, but not as to how decrees can be executed.

(At this stage the President left the Hall and the Deputy President took the Chair.)

Very clear provisions are made here as to how charges can be recovered, how allowances are made payable to the members, how costs awarded by the members can be realised because Government are given full powers to prescribe rules in respect of such aspects. But here a certificate is sought to be granted to the creditor. Well, the parties are heard by the Board and then the decision is arrived at.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): A point of order, Sir. Is this the stage at which the principle of the Bill can be discussed and a detailed examination of the various provisions of the Bill undertaken?

DEPUTY PRESIDENT: The various provisions so far as they have a bearing upon the general principles may be referred to but not in a very detailed manner. Much has to be left to the discretion of the member.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Suppose a certificate is granted. There is absolutely no provision here as to how that certificate can be executed. On the other hand, the decree of a Village Panchayat Court can be executed in the manner in which it is prescribed under the Regulation concerned.

On the other hand, the decree of a Panchayat Court can be executed in the manner in which it is prescribed in that Regulation. Then under Section 73 of the Regulation, if there is any substantial irregularity affecting the interests of parties, certainly such things might be taken to the District Court. There is absolutely no provision like that

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here. Then also it is stipulated under that section that the High Court should watch the working of the Village Panchayat Courts and should report to Government. But no such instruction is issued to the High Court under this Bill.

DEPUTY PRESIDENT : Such safeguards may be inserted later on.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : My submission is that this does not meet to any extent the end in view, but only calls into existence certain institutions which will ultimately be unworkable. There are many points about which the Bill is silent. Sir, my submission is, that Bill as it, is need not be referred to a Select Committee.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*) : Sir, we would like to hear the views of the Law Member.

DEPUTY PRESIDENT : The attitude of Government at this stage is not material.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Sir, this question of rural indebtedness has been engaging the public attention for some time past. Sir, the problem is not a new one. It has been truly said that the Indian agriculturist, of course including Travancorean agriculturist, is born in debt, lives in debt, dies in debt and bequeaths debt. So, Sir, it is not a new problem. But the economic depression of the last 4 years has made this question of the indebtedness of the agriculturists very very acute; and the lot of the agriculturist has practically become unbearable. Sir, other administrations also have been trying during the last two or three years to tackle this problem in their own way. Of course, every province and every State has got its own peculiar features with regard to this problem ; and certain Governments have passed legislative measures for the protection of the indebted agriculturist. Sir, I am also glad to say and this House is also aware that the Government have not been slow to recognise the seriousness of this problem. The Government have appointed a Committee and that Committee have been enquiring into this question and I understand that they are nearing the completion of their labours and very shortly a report will be submitted by them to the Government. Sir, on account of the fact that the lot of the agriculturist has become almost unbearable, this is the problem of all problems and this ought to engage the attention not only of the representatives of the people now in this House but all the leaders of public opinion who have the true interests of their country at heart.

But, Sir, there are certain important considerations to be kept in mind when we deal with this question of rural indebtedness. There is, first of all, the conflict of interests between debtors and creditors. The House is aware that, when this question was discussed on the floor of this House some time ago, what a sharp cleavage of opinion was found among the honourable members with regard to the nature of the solution of this problem. It is not enough, Sir, simply to pass a measure on the lines of some enactment passed by some neighbouring administration or by Governments of Central Provinces or United Provinces or the Punjab.

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MR. A. THANU PILLAI (*Trivandrum-Rural*) : Is Punjab so very near ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Compared with Canada or America, it is very much nearer to us. Whatever it is, one point we have to take note of is this, *i. e.*, we have to pay particular attention to the special conditions prevailing here.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Is there any distinction between rural indebtedness and agricultural indebtedness ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I am really sorry that the honourable member has been led to draw that inference from my speech. For the information of the honourable member, at any rate, I may say, that I did not mean that there was any distinction between such words.

DEPUTY PRESIDENT : There are differences. If the member has got an answer to the question, he may give it.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Of course I used the words in the same sense. Sir, in considering this question, local conditions have to be kept in view. And also, the attitude of the two classes of people, I mean, the debtor class and the creditor class should also be kept in view. Sir, it will be in the fitness of things to leave the legislation on a very important matter like this in the hands of Government. Government will be an impartial body in a matter like this. They will be in a better position to collect relevant materials.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Is it not likely that they may not be a sufficiently sympathetic body ?

DEPUTY PRESIDENT : I want to say this. What the Government may do or whether they would deal with it effectively are questions with which we are not now concerned. When the Law has given this House the necesary powers, we need not depend upon others. I would ask the members to do what they can under the Law as far as this House is concerned rather than appeal to other bodies.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Even if Government initiates such a measure, I am well aware, Sir, that this House has got the full responsibitity in this matter.

Sir, the problem is a very important one and it cannot bear postponement any longer. It has to be solved in some form or other immediately, Sir, even in the consideration of the fundamental principles of the Bill the question of expediency also has to be considered. Will it not be more expedient to wait till the Committee appointed by Government for this very same purpose submit their report ? The Committee are about to complete their labours. In view of the fact that Government will be shortly in possession of the necessary data bearing on these questions, I ask, Sir, whether it will not be more expedient to wait and see what the Government, placed as it is in a more advantageous position, in a position of vantage, as it were, intend to do in the matter.

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Sir, considering the attitude of the Government in this matter as disclosed in their past actions, namely, in the appointment of a Committee and also the promulgation of two Royal Proclamations for the protection of agriculturist debtors, we need not despair of good results from any action that would be taken by Government.

So, Sir, I would appeal to the serious consideration of the House whether we cannot defer the consideration of this measure until Government takes some action on the problem and do something

DEPUTY PRESIDENT: It is not the permission to introduce a Bill that has been asked Permission was asked for and granted. So that these details are not so important as the principle of the Bill.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*); Sir, I am really glad that the Chair has kindly drawn my attention to that aspect of the matter. Sir, this is a Bill, and considering the stage at which it has reached, the Bill may be called in ordinary Parliamentary language a hybrid Bill. That is a quasi-private Bill. No doubt, the Bill is introduced by an honourable non-official member. In view of the fact that so much spade work has been done by Government, it is almost a hybrid or quasi-private Bill, in which case it has been the policy of other legislatures also to leave the matter safely in the hands of Government.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the principle of this Bill. In doing so, let me state at once and at the outset, that I do not at all deny that there is an economic depression prevailing at present. that there is a great distress amongst the agriculturist and the burden of debt is pressing on the agriculturist.

MR. K. C. KARUNAKARAN (*Nominated*): May I know whether the industrial population is not affected by the depression ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Possibly they are. But we are now concerned only with agriculturists and this Bill has nothing to do with the industrial classes. Having regard to the nature of this economic depression and its effect on the economic condition of the agricultural population, namely, the increase in the value or power of the money and the decrease in the price of commodities, the burden of the debt has become heavier, even though in terms of money it might not have possibly increased. Government have taken note of this fact. Government also recognise that there is need for State interference in this matter, and perhaps legislation may be necessary. But all the same, I cannot support the principle of this Bill. The main principle of the Bill is that the debtor and the creditor should be brought together before a Board for conciliation, *i. e.*, for an amicable settlement of the debts, apparently by reducing the amount of debt or finding ready means of satisfying the debt, so that the debtor and creditor may accept things as they are and the creditor content himself with what he can get and the debtor find means to pay that. I would illustrate it by a concrete example. Suppose the debt amounts to

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Rs. 10,000. The object of this measure is to bring the debtor and creditor together before the Board and explain to both what the real position of the parties is and to make the creditor agree to accept, say, Rs. 5,000 and to lay down how this Rs. 5,000 should be paid and so on. If an agreement is reached by the parties, the Board will record it and issue a certificate and such certificate will be exactly like a decree of court executable, if necessary, through the civil courts.

The House adjourned for lunch at 1—2. P. M. and re-assembled at 2 P. M.

NEW MEMBER.

Dr. M. K. Gopala Pillai took the oath and signed the rolls.

LEGISLATIVE BUSINESS (*contd.*)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I was trying to explain, Sir, the main principle of the Bill. It is to bring about an amicable settlement between the debtor on the one hand and the creditor on the other through the intervention of a Board of Conciliation. As I said, before we adjourned for lunch, by way of illustration, if there be a debt of Rs. 10,000, the Board would hear both the debtor and the creditor, consider the circumstances of the parties and then bring down the debt to say Rs. 5,000 considering the present value of money and assets of the debtor and so on. If both the parties agree, the Board will issue a certificate for that amount which will have validity as a decree of a court of law having jurisdiction in the area. Even if the parties do not agree, it is open to the Board to issue a certificate for an arrangement which they consider reasonable in the circumstances of the case, such certificate, issed even though the parties do not agree, is not binding on the parties ; but it will impose a penalty on the creditor, for, when he goes to the court with a suit to recover the debt, the future interest on the debt may be reduced to 6 per cent. and he may be made to suffer the costs of the suit. Sir, it seems to me that the Bill as designed is inadequate and perhaps even positively objectionable. I would say it is both unjust to the creditor and also not sufficiently just to the debtor.

It is unjust to the creditor because he has not been given any inducement to accept a reduced amount in repayment of the debt due to him. Sir, why should he accept the reduced amount suggested by the Board? Some inducement must be placed before him to accept it. For instance, if it had been provided that the debtor should pay such and such reduced amount in cash on the spot, that may be sufficient inducement, some sort of consideration, for the creditor to accept it in full discharge of his debt. For he gets cash and need not worry himself with a law suit. And the Rs. 5,000 now given in cash will perhaps be equal to the Rs. 10,000 which he advanced five years ago. But, Sir, there is no such provision for immediate payment in the Bill. That is why I said that the Bill is unjust to the creditor. And then if the

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creditor does not agree, why should he forfeit his costs of suit and suffer a reduction of interest of some proportion under which the creditor will get cash, some cash at least had been placed before him, it would be something. But there is no provision for it.

I said, Sir, that the Bill does not do sufficient justice to the debtor either. Because, how is he going to pay this debt even as reduced by the Board? Where is he to go for the five thousand rupees which the Board is going to ask the creditor to accept in full settlement for the debt of Rs. 10,000? So far as we can see, Sir, the debtor is not presumably able to raise even Rs. 1,000. So, in spite of the conciliation, his land will have to be sold in execution of the decree, for the certificate issued by the Board has the value of a decree and the creditor will naturally take it to a court and execute as a decree: and the debtor is sure to be deprived of his land for some inadequate price and it does not matter, if he is to be deprived of his land, that it is deprived for a decree for Rs. 10,000 or Rs. 5,000. Sir, Travancore is an agricultural country and it is the agricultural population that is heavily involved in debt. Our object must be to see that the agriculturists must prosper. The man who cultivates land must be helped to retain possession of his land. Where is the provision in this Bill to that end? Under the Bill, his land is sure to be sold for the conciliated debt, if not for the full debt, and our main problem will still remain unsolved.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): May I draw the attention of the member to Clause 29 of the Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, that is a provision which I have not been able to understand; and I want the mover to explain it. So far as I am able to see it deals with alienation of property. It says:—

> 29. (1). Notwithstanding anything contained in any other enactment for the time being in force, whenever a civil court orders that agricultural land belonging to an agriculturist should be attached and alienated temporarily to the decree-holder in satisfaction of a decree....."

I do not know whether any law in force in Travancore provides for land being attached and sold *temporarily*. It is that that I want the mover to explain. However, as I said, that refers to alienation of property. I am saying that there is no provision in the Bill to ensure that the agriculturist, in whom we are all interested, will not be deprived of his land. It seems to me that an attempt must be made to help the agriculturist to retain his land if that be possible. No such attempt has been made in this Bill. That is why I say that it does not do sufficient justice to the debtor. These are the two main reasons for which I say that the principle of the Bill cannot be accepted.

It may perhaps be contended, Sir, that what is contained in the Bill is all that can possibly be done to the agriculturists. I would contend however that something more should be done, at least something

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more should be attempted. For instance, if with the Conciliation Board is linked a land mortgage bank or some such institution which can advance cash on easy terms to the debtor for the purpose of making immediate payment of the conciliated debts, it would certainly be an inducement to the creditor on the one hand to accept the award of the Conciliation Board, and would also enable the debtor on the other hand to retain his property. It seems to me, Sir, that no private bank will come forward to advance money to these agriculturist debtors. It is only the Government or some institution supported by Government that can possibly do it. This matter is therefore one which requires careful handling by Government. And Government have already instituted a committee to inquire into and consider the matter. Whether a Conciliation Board alone would be sufficient, whether it should not be linked with, say, a land mortgage bank, whether it would be possible for the Government or some other bank to take over the conciliated debts and make payment at once to the creditor, Government getting repayment of it in easy instalments from the agriculturists, all such questions require deep consideration. And the committee is considering all these questions.

I may perhaps advert to the relief measures that are being considered or have been adopted elsewhere. Firstly, there is the advice of reducing the rates of interest on the debts, sometimes with even retrospective effect. There is no provision for this in the bill before the House. Secondly, there is the prevention of the expropriation of the agriculturists during the present period of depression. It is known to everybody that land has gone down in value because commodities yielded by lands have gone down in value and people generally have no money. Property worth Rs. 10,000 about ten years ago is hardly worth even Rs. 5,000 now. In these circumstances, if land is allowed to be sold for a debt, it may turn out to be a grave injustice to the debtor. Therefore, the question has to be considered whether this expropriation should not be prevented. The Committee that the Government have instituted are considering that question also.

Thirdly, there is of course the establishment of Conciliation Boards as in the present Bill. But, my point, as I have already explained, is that a Conciliation Board by itself cannot take us very far. The solution of the problem does not depend entirely on some reduction in the amount of debt. What is more important is the devising of a suitable machinery if possible to liquidate the debt without the debtor being deprived of his land. As I have explained, the creditor must be paid cash as an inducement to accept the reduced amount, and such cash must be advanced by the Government or by some institution supported by the Government on easy terms on the security of the debtor's land.

But these are all matters on which the Bill is silent. But it may be asked what the Government are doing. Sir, they have already instituted a committee which is considering all aspects of the question, including the setting up of Conciliation Boards. The question whether the amount of debt should not be brought down in view of the

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higher purchasing power of money now, whether the Government should take up these debts on themselves and pay them off and in turn realise the amount from the debtor in easy instalments, whether it is possible to limit the extent of land that could be sold for debt, all these are now being considered by the committee. For instance, if a land which was yielding, say 100 *paras* of paddy had been mortgaged five years ago for Rs. 10,000 and is sold through court today, it may fetch Rs. 5,000 only, although the property still continues to yield 100 *paras*. It is therefore possible to ask the creditor to accept the land at a value of Rs. 10,000 at least if he wants money immediately and if not to wait until better times. Sir, there is no provision in the Bill for this or anything like it. All such things are being considered by the Committee. They have already come to certain conclusions. And they will be able to take the conclusions in the final form soon ; and if the final conclusions are placed before Government, Government will consider the whole question and take action upon them as early as possible. Government will not procrastinate in a matter like this and Government fully realise that action should be taken promptly. I can assure the House that Government will not delay matters. But in the meanwhile I must say that this Bill, as it is, is not acceptable. A suggestion was made that changes may be made in this Bill in the Select Committee. I may point out that the changes or amendments that may be made in the Committee must be within the scope of the Bill. Again if any amendment brings forward any provision which will impose a charge on the public revenues of the State, then Government sanction may have to be applied for. There will be a lot of difficulty in trying to alter the provisions of this Bill and to recast it entirely for purposes other than for which it is at present intended. It will be wise to leave the matter entirely in the hands of Government. My considered view therefore is that this House ought to reject this Bill altogether leaving it to Government to bring in a comprehensive Bill at a very early opportunity.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): I move that the question be now put.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Having heard the observations made by the learned Law Member, I consider that this Bill may be deferred.

DEPUTY PRESIDENT: Under what rule ?

MR. T. P. VELAYUDHAH PILLAI (*Tiruvalla III*): I move that the Bill my be adjourned.

DEPUTY PRESIDENT: Under what rule, may I know ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): A closure was moved before.

DEPUTY PRESIDENT: A closure motion is different from a motion to adjournment of discussion. Mr. Velayudhan Pillai's request was that the consideration of this Bill may be adjourned. That is different from a closure.

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MR. P. K NARAYANA PILLAI (*Ambalapuzha I*) : A closure has been moved ; and I understood that the Chair has called upon Mr. Velayudhan Piliai what he has to say on the closure.

DEPUTY PRESIDENT : I called upon Mr. Velayudhan Pillai first. Then the closure was moved, more or less almost at the same time. My impression is that I called uron Mr. Velayudhan Pillai and then Mr. S. Paramesvara Aiyar moved that the question be now put.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : Sir, we can see from the nature of the Bill—

DEPUTY PRESIDENT : A closure means that there need not be any more discussion and that the question be immediately put.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) But before the question is put formally, there are three dilatory motions allowed under the Regulation. One of them is that the Bill may be adjourned.

DEPUTY PRESIDENT : That is why I am looking into that particular rule. I think it comes under Rule 70, which says :—

> "A motion that any meeting of business be adjourned or postponed or that the Assembly pass to the business next in order in the statement of business, may if the President consents, be moved at any time and without previous notice as a distinct question but not so as to interrupt a speech "

That is why I waited till Mr. Velayudhan Pillai finished his speech.

So that there is a closure motion and that collides with this section. That is the difficulty.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Mr. S. Paramesvara Aiyar has already moved that the question be now put. If you put the motion whether ' the question be now put' the House will either accept the motion or reject it. Those who want adjournment may oppose this closure motion.

DEPUTY PRESIDENT : Does the House accept or reject the motion made by Mr. S. Paramesvara Aiyar?

The House accepted the closure motion.

DEPUTY PRESIDENT : Mr. Velayudhan Pillai was saying that the consideration of the Bill may be adjourned and the rule has been cited (Rule 70). But as the closure motion has been carried, the question has to be put and no adjournment is possible.

MR. T. P, VELAYUDHAN PILLAI (*Tiruvalla III*) : But before that, I moved the adjournment motion.

DEPUTY PRESIDENT : There is a conflict of jurisdiction ; the jurisdiction of the closure motion with that of the adjournment motion. This is really a knotty point.

MR .KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Mr. S. Paramesvara Aiyar moved that the question be now put.

MR. R. SAMBASIVA AIYAR (*Kunnatnad*) *II*) : It was I who moved first that the question be now put.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Mr. R. Sambasiva Aiyar also, perhaps at the same time. The

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motion that the question be now put has been put to the vote of the House and carried. Now therefore the question *has to be* put.

DEPUTY PRESIDENT : The motion for closure is a powerful motion and everything depends on that. And that has been put and carried. Now Mr. Velayudhan Pillai has got a right of reply. The question before the House is the affirmation of the principle of this Bill and I will call upon Mr. Velayudhan Pillai to make any speech that he may have to make on this question.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : No, Sir, I do not make any speech.

DEPUTY PRESIDENT : The question before the House is whether the principle of the Bill be affirmed.

The motion was put to the vote of the House and lost.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : Sir, I demand a poll.

A poll was taken and the House divided as follows :—

AYES.—15.

1 Mr. P. Chidambaram Pillai
2 ,, K. Kunjukrishna Pillai
3 ,, N. K. Krishna Pillai
4 ,, A. Easwara Pillai (*Kalkulam II*)
5 ,, A. Easwara Pillai (*Kottarakara*)
6 ,, Edavanatt S. Padmanabha Menon
7 Mr. Pottayil S. Krishna Panickar
8 ,, M. K. Madhavan Pillai.
9 ,, Kainikkara M. Padmanabha Pillai.
10 ,, R. Sivaraman Nair
11 ,, V. K. Velappan Nair
12 ,, T. P. Velayudhan Pillai
13 ,, V. Ramakrishna Panickar

NOES—36.

1 Mr. P. K. Narayana Pillai
2 ,, K. C. Abraham
3 ,, N. Abdur Rahiman Sahib
4 ,, T. K. Alexander
5 Rao Sahib S. Parameswara Aiyar
6 Mr. M. Mahomed Haneef
7 Miss Hepzibah Gnanasikhamony
8 Srimati T. Narayani Amma
9 Mr. A. Thanu Pillai
10 ,, Antony George
11 ,, Menatheri N. Kesava Panickar
12 ,, S. Chattanatha Karayalar
13 ,, T. S. Jayantan Nambootiri
14 ,, N. John Joseph
15 ,, T. T. Kesavan Sastri
16 ,, K. M. Krishnan
17 ,, K. P. Krishna Menon
18 ,, T. Krishna Pillai.
19 Mr. E. K. Kunjuraman
20 ,, R. Raman Pillai
21 ,, K. C. Karunakaran
22 ,, K. A. Narayana Pillai
23 ,, R. Sambasiva Aiyar
24 , N. E. Varughese
25 ,, M. K. Janardana Kamath
26 ,, G. Nilakantan
27 Rao Sahib Dr. N. Kunjan Pillai
28 Mr. T. C. Thommen
29 ,, C. S. Krishnaswami Aiyar
30 ,, K. George
31 ,, R. Dhanukoti Pillai
32 ,, Kayalam Paramesvaran Pillai
33 ,, C. O. Madhavan
34 ,, R. Pitchu Aiyangar
35 ,, N. K. Padmanabha Pillai
36 Dr. M. K. Gopala Pillai

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NEUTRALS—12.

1 Mr. V. T. Chacko	7 Mr. P. C. Narayanan Bhattatiripad
2 ,, S. J. Nair	8 ,, K. Mohamed
3 ,, K. N. Elenkath	9 ,, K. Madhavan
4 ,, J. M. Joseph	10 ,, P. K. Thomas.
5 ,, S. Nilakanta Pillai	11 ,, S. Thiraviam Nadar.
6 ,, T. C. Joseph.	12 ,, Pacode A. Narayana Pillai.

DEPUTY PRESIDENT : The motion is lost.

THE TRAVANCORE SPECIAL MARRIAGE AND SUCCESSION BILL.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I beg to move that leave be granted to introduce the Travancore Special Marriage and Succession Bill.

MR. S. J. NAIR (*Nedumangad*): I beg to second the motion.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): I oppose the introduction of the Bill in its present form.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I shall try to explain the objects and reasons which are given at the end of the Bill. I do not wish to go into any detail at this stage of the Bill. But I wish to make clear that the Bill is only a permissive piece of legislation and that this Bill has been passed into law or a legislation similar to this has been passed into law very recently in the neighbouring State of Cochin, and as early as 1872 in British India. Sir, in British India, some classes like the Hindus, the Budhists, the Sikhs and the Jaines were exempted. In the 1872 Act, the Mahomedans, the Parsis and others were included. Sir, this law has been made or the provision of this Bill has been made very moderate and it *compels* no one to do anything. It has only made valid marriages that have been already contracted, or the marriages according to the present law may not be valid. Sir, the absence of a provision like this will not promote marriages, inter-communal or intes-caste marriages, but will only succeed in removing bastardised children. Sir, the Bill having been accepted in its principles and with regard to the provisions almost identical to that both in British India and in Cochin State, I appeal to the House that it should be discussed and scrutinised by this House. Sir, the necessity with regard to this piece of legislation will be obvious, from the fact that various social conferences have actually passed resolutions advocating the necessity of this Bill and have accepted the principles underlying this Bill. I may also state that difficulties are experienced by various individuals belonging to communities that happen to have contracted marital relations which are artificially restricted by certain legislations and who experience great hardship owing to the absence of a provision to legitimatize their children and afford the good sense with regard to their children. I do not think that there is anything that could be shown to be so very objectionable.

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